STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of TAJA GRANT, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MARGARET L. GRANT,

Respondent-Appellant,

and

DEMETRIUS PALMER,

Respondent.

UNPUBLISHED
March 28, 2006

No. 265823
Berrien Circuit Court
Family Division
LC No. 2005-000034-NA

Before: Neff, P.J., and Saad and Bandstra, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (c)(i), and (g). We affirm.

We find insufficient evidence to terminate respondent-appellant's parental rights under MCL 712A.19b(3)(a)(ii) or (c)(i). Subsection (a)(ii) requires a period of at least 91 days where the parent deserts the child and does not seek custody. Here, respondent-appellant continually "sought custody" by having her interests represented in court by an attorney who opposed the termination on her behalf. Respondent-appellant also saw Taja on her birthday and appeared at a hearing on August 8, 2005. Thus, there was no continuous period of 91 or more days during which respondent-appellant did not seek custody. She did not intend to desert the child. As for subsection (c)(i), this subsection requires a period of 182 or more days between the initial disposition order and the termination order. In the present case, the period between disposition and termination was barely four months: May 23, 2005 through October 4, 2005. The trial court clearly erred in counting the period from the earlier, November 2004, disposition order in the case involving Taja's older sister because at that time the petition was not authorized regarding Taja.

We do find that MCL 712A.19b(3)(g) was established by clear and convincing evidence, however. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). Only one statutory ground need be proven by clear and convincing evidence to terminate parental rights. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000). Respondent-appellant had a long history of substantiated Children's Protective Services referrals for neglect and abuse. These included filthy and unsanitary home conditions, physical abuse, drug abuse, and children born positive for marijuana. Respondent-appellant had refused to participate in services such as counseling, drug treatment, and parenting classes in the case involving her older daughter and again refused in Taja's case. We do not believe that, given additional time, respondent-appellant would be able to provide proper care and custody for Taja within a reasonable time.

The record also supports the trial court's conclusion that termination of respondent-appellant's parental rights was not clearly contrary to Taja's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. Taja needs a permanent, safe, stable home, which respondent-appellant cannot provide. We have examined the record and find no clear error in the trial court's decision terminating respondent-appellant's parental rights.

Affirmed.

/s/ Janet T. Neff
/s/ Henry William Saad
/s/ Richard A. Bandstra